

## **BOARD OF POLICE COMMISSIONERS**

### **Minutes of the Regular Board of Police Commissioners Meeting Thursday, January 29, 2004**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, January 29, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Rm. 328-A, Detroit, MI 48226.

#### **ATTENDANCE**

##### **Board Members Present**

Willie E. Hampton  
Arthur Blackwell, II **(ABS)**  
Erminia Ramirez  
Jim Holley **(ABS)**  
Megan Norris

##### **Department Personnel Present**

AC Harold Cureton  
DC Willie Burden  
DC Cara Best  
Cmdr. Vivian Talbert  
Cmdr. Ralph Godbee  
Insp. Walter Martin  
Insp. Jamie Fields  
Insp. Joyce Daniels  
Insp. Turner  
Insp. Gail Barnes  
Lt. Eugene Goode  
Lt. Tillman  
Lt. Fred Saffold  
Lt. Holins  
Sgt. Jim Galowski  
Sgt. Ron Arambula  
Sgt. Debbie Jackson  
Sgt. Wynn  
Sgt. Andre Brooks  
Sgt. Lemons  
Inv. Rick  
PO William Hart  
PO Irvette Reed  
PO Kohls  
3<sup>rd</sup> DC Tara Dunlap  
Director Elise Scott

**Board Staff Present**

Dante' L. Goss, Exec. Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator  
Stephan Thompson, Sr. Police Commission Investigator  
E. Lynise Bryant-Weekes, Personnel Director

**OTHERS PRESENT**

Herman Vallery  
Ron Scott  
Mike Payne, WWJ 950  
Atty. Douglas Kourney, LSA

**RECORDERS**

Jerome Adams  
Felicia Hardaway  
Kellie Williams

**1. CALL TO ORDER**

**Commissioner Hampton** called the regular meeting of the Detroit Board of Police Commissioners to order at 3:20 p.m.

**2. APPROVAL OF MINUTES**

♦ **Thursday, January 22, 2004**

**MOTION:** **Comm. Norris** made the motion to approve the above Minutes.

**SECOND:** **Comm. Ramirez** seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

**3. REPORT FROM THE CHAIR**

♦ Promotions

January 29, 2004

Board of Police Commissioners  
1300 Beaubien  
Room 328  
Detroit, Michigan 48226

**RE: RECOMMENDATION TO RESCIND THE PROMOTIONAL LIST FOR  
SERGEANTS THAT WERE APPROVED BY THE BOARD OF POLICE  
COMMISSIONERS ON JANUARY 22, 2004**

Dear Board Members:

On January 12, 2004, the Personnel Bureau prepared a list containing the names of **80** candidates eligible for promotion to the rank of sergeant, **15** candidates to the rank of lieutenant, and **10** investigators to the rank of sergeant.

On January 15, 2004, the board approved the list as submitted for all candidates to be promoted to the rank of sergeant and lieutenant.

On January 16, 2004, the Personnel Bureau was informed that the department had passed over **4** candidates, **1** investigator, and **3** police officers that were eligible for promotion to the rank of sergeant. The members passed over were currently on the "Sergeant's Eligibility Roster." A subsequent check disclosed that the **4** candidates passed over for promotion had submitted their official college transcripts to the Personnel Bureau prior to the approval of promotions on January 15, 2004. The transcripts indicated that the candidates earned the minimum number of college credits required to be eligible for promotion to sergeant.

In order to promote the **4** candidates passed over and not impact the number of budgeted positions for sergeant, it was recommended that the promotional list be rescinded by removing **3** candidates in reverse order from the list (see attachment). Additionally, **1** candidate, Investigator Kimberly Brittain, (position #152) assigned to the Third Precinct, Investigative Operations Unit, was promoted to sergeant. Investigator Brittain has been disabled for approximately one (1) year and is not eligible for promotion. Due to Investigator Brittain's disabled duty status I am recommending that Investigator Brittain's promotion to sergeant be rescinded.

Accordingly, I submitted for your review and approval on January 22, 2004, the names of 1 investigator and 3 police officers that are on the sergeant's eligibility roster to the rank of "**Sergeant.**" The Board approved the rescinded list which added the 4 members ( Robert Harris, Boyd Cottrell, Tracey Bradford, and Roosevelt Tidwell) to the promotional list.

However, the Board requested that the department consider promoting the three candidates that were removed from the list. After careful consideration of your request, I am recommending that those candidates removed from the promotional list on January 22, 2004, 1 investigator and 2 police officers that are on the sergeant's eligibility roster, be approved for promotion. (See attached list with candidate's names and position numbers)

Currently, there are 188 budgeted positions for the rank of lieutenant and 24 vacancies; 620 budgeted positions for the rank of sergeant and 56 vacancies. By rescinding the approved list for promotion, the number of candidates will be 83. It is my intention to commence training for all candidates on February 6, 2004, or soon thereafter as may be feasible.

As always, I am available at your convenience if you have additional questions or concerns.

Sincerely,

/s/**ELLA M. BULLY-CUMMINGS**  
Chief of Police

EMB:wjm

**MOTION:**     **Comm. Ramirez** made the motion to approve the Promotions. **(See Attached)**

**SECOND:**    **Comm. Norris** seconded the motion.

**VOTE:**       All in attendance voted in the affirmative.

♦ **SUBCOMMITTEES**

Chairperson Hampton read the following:

❖ **CITIZENS COMPLAINTS**

**Chair:** Ramirez

**Co-Chair:** Norris

❖ **DISCIPLINARY APPEALS**

**Chair:** Norris

**Co-Chair:** Holley

❖ **PROMOTIONAL APPEALS**

**Chair:** Norris

**Co-Chair:** Ramirez

❖ **BUDGET**

**Chair:** Hampton

**Co-Chair:** Holley

❖ **LEGAL AFFAIRS**

**Chair:** Holley

**Co-Chair:** Hampton

❖ **LABOR RELATIONS**

**Chair:** Blackwell

**Co-Chair:** Hampton

❖ **PERSONNEL & TRAINING**

**Chair:** Hampton

**Co-Chair:** Blackwell

❖ **POLICY**

**Chair:** Blackwell

**Co-Chair:** Ramirez

**Comm. Norris** stated that the Personnel Committee has a number of ongoing projects, which included filling some slots at OCI, policy issues, and the search for a Chief Investigator. Since we are about to lose Comm. Ramirez from the Personnel Committee, I was wondering what is the current status of the search for a Chief Investigator.

**Comm. Ramirez** stated we received over 200 applications, which are being looked at right now by our Personnel Director Lynise Bryant-Weekes. She has been going through the resumes and picking out candidates that meet the qualifications.

**Comm. Norris** asked do we have any anticipated time of when we would start interviewing candidates?

**Dir. Bryant-Weekes** stated I can't answer that question, there are a lot of resumes, Ms. Hooks was kind enough to separate them for me. However, with my duties on this promotional exam, I can only go through so many at the end of the day. Within the next couple of weeks, I should have some candidates picked out in a couple of weeks.

**Comm. Ramirez** asked where was the job posting advertised?

**Atty. Hooks** stated it was advertised in the Michigan Citizen, Detroit Legal News, Monster.com, Nacole.org, and the Michigan Chronicle.

#### **4. SECRETARY'S REPORT – EXEC. DIR. GOSS**

##### **Suspensions**

On Thursday, January 29, 2004, **Police Officer Ned Gray**, badge 764, assigned to the Ninth Precinct, IAS #02176, was suspended **without pay** by Chief of Police Ella M. Bully-Cummings.

On April 29, 2001, the Professional Accountability Bureau, Internal Affairs Section, was notified of an allegation of misconduct on the part of P.O Gray. More specifically, the complaint alleged that that Officer Gray did use unjustified physical force against a citizen during the course of a traffic stop. As a result, an Internal Affairs investigation was initiated.

The investigation revealed the following:

That on April 29, 2001, at approximately 3:20 a.m., Officer Gray and his partner conducted a traffic stop at Randolph Street and East Jefferson Avenue in the City of Detroit. At that time, the driver and the passenger of the vehicle were identified and ordered to exit the vehicle. The driver and the passenger complied. Upon exiting the vehicle, the passenger was allegedly slapped by an unknown officer. The driver then inquired of Officer Gray as to the reason the

passenger was slapped. In response, Officer Gray struck the driver several times about the face with his Department issued flashlight and struck the driver about the face and head with his fist.

Subsequently, the driver of the vehicle, as well as the passenger was placed in the rear passenger compartment of the scout car. While in the rear compartment of the scout car, the driver of the vehicle sneezed thereby causing blood to spatter about the scout car. Blood samples were taken from the scout car, from Officer Gray's boots, and from Officer Gray's gloves. The blood samples were later confirmed as a positive match to that of the driver of the vehicle. Also on this date, Officer Gray was suspended with-pay at the Internal Affairs Section.

The driver of the vehicle sought medical treatment forthwith at Oakwood Hospital. The driver sustained the following injuries:

1. Three (3) chipped teeth;
2. Contusions to the face;
3. Contusions to the head; and
4. Nasal bleeding.

On January 22, 2004, a felony warrant #04-55807 was issued against Officer Gray charging him with Felonious Assault contrary to MCL 750.82. Felonious Assault is punishable as a felony with four (4) years in prison and/or a fine of two thousand dollars (\$2,000.00).

On January 23, 2004, Officer Gray appeared for arraignment in Thirty-Sixth District Court, wherein a plea of not guilty to the charge was entered on his behalf. He was then released on a ten thousand dollars (\$10,000.00) personal bond. The Preliminary Examination is scheduled for February 5, 2004.

Based on the above circumstances, it is recommended that Officer Gray be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

**CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE  
LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN  
VIOLATION OF DETROIT POLICE DEPARTMENT RULES AND  
REGULATIONS SECTION 102.3-5.7, (3).**

Unless contravened by this Commission, the above suspension without pay will stand.

**There were no contraventions to the above suspension.**

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On Thursday, January 29, 2004, **Police Officer Curtis Sanford**, badge 5073, assigned to the Police Athletic League was suspended without pay by Chief Ella M. Bully-Cummings.

On January 29, 2004, the Professional Accountability Bureau, Internal Affairs Section, was notified of an allegation of misconduct on the part of Police Officer Curtis Sanford, badge 5073, assigned to the Police Athletic League. More specifically, the complaint alleged that that Officer Sanford did use unjustified physical force against his eighteen (18) year old daughter (hereinafter complainant). As a result, an Internal Affairs investigation was initiated.

The investigation revealed the following:

That on January 26, 2004, Officer Sanford struck the complainant twenty-five (25) to thirty (30) times on the buttocks area with a belt as a means of reprimanding her for continuing a relationship with a young man that he disapproved. The complainant sustained injuries to the buttocks area, which makes it difficult for her to sit down, use the bathroom, and/or wear pants.

On January 28, 2004, the complainant was attending class at Wayne State University located in the city of Detroit, when Officer Sanford appeared in the classroom causing a disruption. The professor contacted Wayne State Police wherein the complainant advised the police that she was afraid of her father. Thereupon, Officer Sanford was taken into custody and remains in the Thirteenth Precinct holding facility pending arraignment.

On January 29, 2004, felony warrant #04-56059 was issued against Officer Sanford charging him with Felonious Assault contrary to MCL 750.82. Felonious Assault is punishable as a felony with four years in prison and/or a fine of two thousand dollars (\$2,000.00). Officer Sanford is scheduled to appear for arraignment in Thirty-Sixth District Court on today's date in the late afternoon.

Based on the above circumstances, it is recommended that Officer Sanford be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:



**CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF DETROIT POLICE DEPARTMENT RULES AND REGULATIONS SECTION 102.3-5.7, (3).**

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension.

**CITIZEN COMPLAINTS RECEIVED**

	<u><b>This Week</b></u>	<u><b>Year to Date</b></u>
<b>Weekly Count of Complaints:</b>	<b>32</b>	<b>62</b>
<b>Weekly Count of Allegations:</b>	<b>68</b>	<b>117</b>
Arrest	3	4
Demeanor	27	48
Entry	0	0
Force	3	9
Harassment	4	6
Procedure	13	29
Property	5	5
Search	0	0
Service	13	16

**Pending Cases**

As of January 28, 2004, the Office of the Chief Investigator (OCI) has a total of **788 pending cases**, which include **129 cases** with an age of 0-45 days, **73 cases** with an age of 46-60 days, **88 cases** with an age of 61-90 days, and **97 cases** with an age of 91-120 days, **168 cases** with an age of 121 days – 6 months, **173 cases** with an age of 7-9 months, **51 cases** with an age of 10-12 months, and **9 cases** with an age of 13-15 months.

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**2003**

During the past week:	21	Year to Date:	78
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**5. REPORT/PRESENTATION – CHIEF OF POLICE**

## **DETROIT POLICE DEPARTMENT**

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### **Board of Police Commissioners**

The Detroit Police Department's mission is building a safer Detroit through community partnerships. The following enforcement actions were conducted during the week of January 21-27, 2004.

### **ORGANIZED CRIME AND GANG DIVISION**

The Narcotics Enforcement and Conspiracy Sections conducted five enforcement actions in the following areas: 18900 block of Hoover, 11300 block of Abington, 6500 block of Willette, 12800 block of Conway and 1400 block of Canton in the City of Detroit. These enforcement actions resulted in the following arrests and confiscations:

5 felony arrests  
3 misdemeanor arrests  
198.8 grams of cocaine, 31.3 grams of heroin, 664.9 grams marijuana – street value \$138,520.00  
\$3,704.00 in U.S. currency

Vice Section – conducted one enforcement action in the area of Plymouth and Sorrento, resulting in the following arrests and confiscations:

7 arrests for "Offer to Engage"  
1 arrest for "Admitting and Receiving"  
1 arrest for "Disorderly Conduct"  
8 vehicles confiscated

### **VIOLENT CRIME TASK FORCE**

In November 2003, the Violent Crime Task Force began investigating a pattern of street robberies occurring in the Third Precinct area. The investigation identified possible suspects. As a result of surveillance, the use of a confidential informant, interrogations and confessions, six wanted subjects were arrested and charged with "Felony Murder, Carjacking and Robbery Armed."

### **SPECIAL RESPONSE TEAM**

On January 26, 2004, the Special Response Team attended Anti Terrorism training given by the Michigan State Police.

### **SECOND PRECINCT**

On January 21, 2004, officers of the 2<sup>nd</sup> Precinct were on patrol in the area of Wyoming and Lyndon when they observed a vehicle speeding. When the officers attempted to initiate a traffic stop, the front passenger tossed a rifle out of the window. The driver of the vehicle stopped, he and the passenger fled on foot. As a result of their investigation, the driver escaped on foot; the juvenile passenger was detained and a saw off rifle confiscated.

### **NINTH PRECINCT**

On January 21, 2004, officers of the 9<sup>th</sup> Precinct received information from the 11<sup>th</sup> Precinct regarding a stolen vehicle parked in the area of Lappin and East Outer Drive. The officers set up surveillance on the vehicle. As a result of their surveillance and investigation, five males (one convicted felon) and one female was arrested for "Possession of Stolen Motor Vehicle and Carrying a Concealed Weapon." Confiscated were four handguns and body armor worn by one of the male subjects.

**Chief of Police Ella M. Bully-Cummings**

### **6. PRESENTATION – EMERGENCY COMMUNICATIONS DIVISION**

**Insp. Joyce Daniels** and **Lt. Fred Saffold** from the Emergency Communications Division gave the following PowerPoint presentation:

**(See Attached)**

### **Questions and Answers**

**Comm. Ramirez** asked do you do some of the repairs on the in-car video camera?

**Lt. Saffold** stated correct, we do some of them.

**Comm. Ramirez** asked do you see that they are breaking down more often? I ask this question because, Comm. Norris and I receive citizen complaints, and we have been noticing that the camera or the microphones are not working.

**Lt. Saffold** stated I could take a historical look to see if our complaints have increased. We do have an onsite individual from a contractor, who handles warranty repairs. If there are repairs when a vehicle comes in with a problem with a camera system or tape, they have to come to the Communications System Unit for repairs.

**Comm. Norris** asked do they have to alert you when there is a problem or is there anybody that is just checking to see if these things are working?

**Lt. Saffold** stated each platoon/shift is supposed to check of the equipment that is functional.

**Comm. Norris** stated Comm. Ramirez and I review every single complaint. In every single case, they check the box saying that all of their equipment is working and in 99% of the cases that we had requested is not working.

**Comm. Ramirez** stated we wanted to know is it the equipment, the manufacturer, or a lack of training because there is a tremendous problem with those video cameras. I would also like to know how are the cameras housed, how long are they utilized, or how many times are they taped over?

**Lt. Saffold** stated it is my understanding that the videotapes are continuously generated. It is up to the supervisory in Personnel and in the precincts to monitor those.

**Comm. Ramirez** asked is there a procedure in place?

**Lt. Saffold** stated yes. When there is a problem then it comes to our attention. Sgt. Andre Brooks may have some information to add to those regarding specifics.

**Sgt. Brooks** stated one of the physical problems with the mobile vision and in-car system is the type of system that it is. It is a mechanical system and it is not bullet proof, there are a lot of feature that make it a consumer grade. First, it is an industrial or heavy use. To make it plan and simple, it is simple that doesn't take to use.

**Comm. Norris** asked is the video camera like what I might use at my kid's birthday party?

**Sgt. Brooks** stated they took a consumer type of a system and put inside of a metal box. One of the big problems that we see is the button to remove the videotape. A lot of times that button is pushed in and it is not distracted to accept a lot of wear and as a result that is written up as a failure and so we end up paying for the repair.

**Comm. Ramirez** asked what button?

**Sgt. Brooks** stated the eject button.

**Comm. Ramirez** asked does that mean it ejects on its own?

**Sgt. Brooks** stated if the button is jammed in the tape would not come out at all and they would have to bring it to us for service.

**Comm. Norris** stated I think that our concern is that there was no indication that there was any need for service because they check the item box off as working. When we ask for the video and when we get it they say the mic was not working or the camera wasn't working.

**Sgt. Brooks** stated if the battery is not replaced regularly then you will not be able to get audio.

**Comm. Ramirez** asked is there a policy in place where the battery has to be put in place...?

**Comm. Norris** stated for example, every x number of days.

**Comm. Ramirez** asked is someone monitoring that?

**Sgt. Brooks** stated I couldn't answer that at a precinct level, we just see the equipment when there is a complaint.

**Comm. Ramirez** stated on a positive note, there has been some complaints where the video has proven to exonerate the officers. It is a huge concern with the complaints that Megan and I receive. I think more training needs to be done on a supervisory level regarding the handling of the tapes.

**Comm. Norris** stated I think one of the first things that would have to get looked at is what do you have to do to check that box. For example, when they check the box and saying that everything is working, did anyone look to see whether or not everything is working or not. One of the things that we have actually advocated is that that sheet be changed to specifically have the video and mic listed, so that they have to affirmably say that yes the video and mic are working. Then if they come back and say it wasn't working, then that looks more suspicious because they probably just didn't even check it. The videos are part of the consent decree and we are obligated to have these videos in appropriate places and have them working and we are just not there yet.

**Sgt. Brooks** stated another item to consider as a part of the transition, there is a video system that is going to be put in the vehicle and that system records the video from the camera and directly to the computer's hard drive. So it is less equipment to....

**Comm. Norris** asked once it is taped, will it be okay?

**Sgt. Brooks** stated I hope so.

**Comm. Ramirez** stated we also noticed that unmarked vehicles do not have video cameras. She asked why is that?

**Sgt. Brooks** stated the vehicles that we are told to install cameras in, we install them in. I can't answer that.

**Chairperson Hampton** asked how many cameras are budgeted, how many are installed, and how many are operable?

**Sgt. Brooks** stated we have 640 total that were purchased and approximately 628 have been installed.

**Chairperson Hampton** asked how many are inoperable?

**Sgt. Brooks** stated we don't know what is not working until they bring the vehicle in.

**Comm. Norris** stated that is where the breakdown is. The breakdown is once they get it that they will fix it. But the breakdown is identifying that it is not working and catching it in time to do something so that we have working cameras.

**Chairperson Hampton** asked over a course of a month, how many cameras are repaired?

**Sgt. Brooks** stated we don't have that information with us today.

**Comm. Norris** stated 911 should be commended for the work that they do because it is difficult and important work.

## **7. GRANT**

The Detroit Police Department has been awarded a grant from the United States Department of Justice for the Homeland Security Overtime Program. Pursuant to the guidelines set forth in the application, the Detroit Police Department applied for **\$2,906,435.00** with a **25% cash match** of **\$968,812.00**.

The funds will be allocated to pay **NON-SUPERVISORY PERSONNEL** overtime during homeland security training sessions and other law enforcement activities that are designed to assist in the prevention of acts of terrorism and other violent and drug related crimes.

**MOTION:** **Comm. Ramirez** made the motion to approve the Grant extension.

**SECOND:** **Comm. Norris** seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

## **9. OTHER BUSINESS**

**Comm. Norris** stated we had a special order or general order that outlines the formula that would be used for promotions. In the past this Commission was told by at least one arbitrator and probably more, that we do not have the authority in deciding whether to approve promotions or not to depart from that formula, which did not include disciplinary history. My memory is that in the Act 312 that resolved last year, there was some decision by the arbitrator in regards to promotions that either changed, and it was not clear to me that was not clear to me at the time that it changed what would be in the formula or whether it gave the department the discretion to change the formula or exactly how that shook out, but there was something to do with all of that, which included being able to use discipline in certain situations in Act 312. She asked could someone explain to us what exactly that was and how that is being implemented in the upcoming process?

**Dir. Bryant-Weekes** asked when you say the upcoming process, do you mean the promotions that you all approved recently or do you mean for the new test?

**Comm. Norris** stated it wouldn't effect the test itself because the test....

**Dir. Bryant-Weekes** stated it would effect the people on the list after the test.

**Comm. Norris** stated right, What it would effect is once you take the test that would be whatever the portion of the formula that is, but there are other factors other than the test. I am assuming that the list we voted on is the old list, which my understanding is leaning on the old way. She asked would the new one be different?

**Dir. Bryant-Weekes** stated yes. I don't have the actual award in front of me, but it did give the Chief the ability to consider discipline based upon certain guidelines. For example, within a two year period after appeals had been exhausted. There was a certain level of discipline.

**Comm. Norris** asked does the Act 312 spell out what the new formula would be or is there some decision to be made about what the new formula would be? Because if it is the former, then nobody has much to say about it and the Act 312 has decreeded. If it is the latter, I think there are some policy indications of what the formula would be and we would like to be known about those before they are final.

**Dir. Bryant-Weekes** stated it is my understanding that it was very clear about what the formula would be. However, without having right in front of me, I don't want to say that was absolute. The arbitrator did give some clear guidelines with respect to what we could consider and what type of discipline we could consider and how far we could go and that sort of thing. To say that there is absolutely no discretion in it, I couldn't say that. Perhaps someone could answer that.

**Comm. Norris** stated we don't need it today, but before that process gets set in stone, if somebody could explain to us, not the test part, but the other pieces of it and how those other pieces got determined.

**Dir. Bryant-Weekes** stated I am pretty sure that Cmdr. Godbee and his people can get with me and give me a clearer understanding of what that is.

**Douglas Korney** from the Lieutenants and Sergeants Association (LSA) stated there was an arbitration award that was awarded that was issued on December 2, 2002, it allows the city to adopt new promotional standards and criteria's for promotion. It also goes on to say that prior to the adoption of those new standards and my understanding is that they have been adopted recently or in the works, or will be adopted shortly. It states, "All investigators shall be promoted to the position of sergeant and it goes on to say that they shall be promoted notwithstanding any past practice, disciplinary history or physical disability that the officer may have sustained in the past. It further provides that all sergeants currently on the eligibility list shall be promoted to the position of lieutenant. And that those sergeants that are on the list right now shall automatically receive a 2% wage increase from the time they went on the list and the time that they get promoted. That award has not been implemented, we simply wanted to bring that to your attention. I have a copy of the Act 312 award and I could provide a to you if you would like.

**Comm. Norris** stated I haven't seen it and I would sure like to before we finalize all that is going forward. She asked Exec. Dir. Goss to make sure that the Commission receives copies of that award.

**Dir. Bryant-Weekes** stated the Department completely disagrees with the synopsis that counsel just gave. The Law Department has advised us extensively on our promotional process.

**Comm. Norris** stated the part that concerns me is that it is clear by Charter that we have to approve promotions. It is also clear by the Charter and the collective bargaining agreements that we have not lost our chartered responsibilities under the Collective Bargaining Agreement. It is also clear that when a Chief recommends promotions, we have very limited ability to disapprove and if the Chief disapproves we have the ability to approve. What that means is that it is imperative that we buy into the process that gets those promotions in front of us.



If we think something is supposed to be considered and it is not or if we think something shouldn't be considered and it is, once those lists are made we are very very limited.

I am concerned that we haven't been having any discussions with anyone about what is going to get baked into this new process. I can't emphasize enough. I don't know if there is a draft out there or if something has been finalized. I don't know if that is still being discussed. But before anything is to the point of this is what the formula was going to be, we were unable to consider discipline. Because a Chief and not a Commission had made a decision without any vote of this Commission, that discipline would not be considered way back when and we had to live by that. We are obviously bound by the arbitrator's decision, but to the extent, that there is discretion in how and what is being considered, not just discipline, the percentages and all of that, it needs to be discussed with this Commission before it is final.

**Chairperson Hampton** stated could make sure we receive a copy of the Act 312 Award.

**Exec. Dir. Goss** stated okay.

#### **10. ORAL COMMUNICATION FROM THE AUDIENCE**

**PO William Hart** stated I have discovered that some rules changed or some exceptions that allowed people to turn in their credits after the list had come out. I was advised that is why the first list is tentative, supposedly. He stated he turned his college credits in on Tuesday and would like to be placed on the list.

**Dir. Bryant-Weekes** stated on May 19, 2000, a Personnel Order 00-297 indicated that all eligible candidates would be permitted to take the examination if they receive their merited positions on the promotional register. However, in order to be consider for promotion it is an absolute requirement that the candidate must meet one of the following educational standards: **1).** Completion of 12 ½ years of current service as of December 31, 1973. The grandfather clause provides an educational exemption for all officers who qualify....

**Comm. Ramirez** asked could you explain that?

**Dir. Bryant-Weekes** stated as of December 31, 1973, if you had 12 ½ years of service as of that date you didn't have to have any education in order to be promoted off the eligible list. **2).** Those officers, who do not qualify under the grandfather clause, must earn 45-quarter hours of college credits or 30 semester hours of college credits. The credits will be evaluated in accordance with traditional college credits policy for promotions. In bold letters on the Personnel

Order it indicates: Important: It is the responsibility of every officer to be certain that they have complied with the guidelines and received proper credit.

Excuse me, I skipped one point, which states that members wishing to validate additional college credits beyond those that are required to establish the minimum eligibility must be sure that an original or certified transcript is received in the Personnel Recruiting Section, at the time it was located at 2110 Park, Suite 328, prior to 3:00 p.m. on Friday, August 11, 2000.

It has come to my attention, that after the list was submitted to this Board for approval by the Commission that several officers turned in college credits to Ms. LaVaughn Everett. The Personnel Order is clear and past practice has been clear. In Officer Hart's letter he did indicate that he gave one example of an officer, who allegedly in 1999 was allowed to turn in a college transcript. In his letter he indicates that it was one day before the promotions was going to be effective. Prior to coming to this meeting I asked Ms. Williams if she could locate that information for me, she was not able to because those files had been archived. However, there is no way for me to know what the circumstances was in 1999.

**Comm. Norris** asked the order that you were reading from, is that a 2000 order?

**Dir. Bryant-Weekes** stated that was the order that was issued and that is the order that was issued for the test, which Officer Hart would have been placed on the eligible register.

**Comm. Norris** asked was there a deadline on when that stuff had to be in?

**Dir. Bryant-Weekes** stated the order indicates that it has to be in as of, that was actually the day before the test. Here are two things that goes on as it relates to eligible register. The first sentence that I read it indicates that it had been in the practice of the Department not to allow members to just turn in their transcripts at any time, but the Department had allowed members, even though you are not eligible to be promoted today, we are going to let you take the exam, you are eligible to take the exam, you don't need the college requirements on the day of this exam. In order to be promoted off of this eligible register you have to have your college credits in. I can't imagine a system that and I have not found in my research, Officer Hart's letter is not the only letter that we have. When I received the first letter I started researching and I haven't found any tentative list that could be presented to the Board.

**Comm. Norris** asked how long has this list been in existence?

**Dir. Bryant-Weekes** stated since..., I don't have the exact date. They would have taken the test in June 2000.

**Comm. Norris** asked since the fall of 2000 there have been promotions of that list?

**Dir. Bryant-Weekes** stated yes.

**Comm. Norris** asked are the promotions that we did in the last couple of week are not the first or which is probably not even the second?

**Dir. Bryant-Weekes** stated no, the promotions that you did last week started at no. 142 off the eligible register.

**Comm. Norris** asked this list has not only been in existence it has been used a number times?

**Dir. Bryant-Weekes** stated yes.

**Comm. Norris** asked prior to after we voted none of these people have come and said that the list was incorrect.

**Dir. Bryant-Weekes** stated no, except the people that we....

**Comm. Norris** stated the ones we already no about.

**Dir. Bryant-Weekes** stated right.

**Comm. Norris** stated their issue wasn't...

**Dir. Bryant-Weekes** stated they didn't get theirs into late, theirs was in.

**Comm. Norris** asked and they came in and said there has been a mistake with the list?

**Dir. Bryant-Weekes** stated yes.

**Comm. Ramirez** asked if it researched that Officer Hart is ineligible, does that mean he has to wait for the next promotion?

**Dir. Bryant-Weekes** stated yes.

**Comm. Ramirez** asked are we going to have a new list?

**Dir. Bryant-Weekes** stated I can't say whether the Chief will make any other promotions off of this current list. I can't speak for the Chief. I know that we are planning a promotional examination on April 17, 2004 and April 18, 2004.

**Chairperson Hampton** asked where will he be on that list?

**Dir. Bryant-Weekes** stated wherever he places after he takes the test.

**Comm. Ramirez** asked so does he has to retake the exam?

**Dir. Bryant-Weekes** stated if the Chief chooses not to make additional promotions off of the current eligible register, then Officer Hart would have to take the examination.

**PO Hart** stated the time limit that you gave, the dates before the tests that the credits had to be turned in are the only dates that I saw and that was to get credit for your credits. You got extra points if you had your credits in. In past practice, you were allowed to take the test without all of your credits and then earn your credits before you get promoted by the time of promotion you have to have your credits in. But there are still not promoted until the 6<sup>th</sup> and I do have my credits in.

**Comm. Norris** stated right.

**Comm. Ramirez** asked why did you take so long?

**PO Hart** stated I had knee surgery on the week that the list came out and the college made a mistake.

**Comm. Norris** asked when did you earn the credits?

**PO Hart** stated I finished a 1 1/2 year ago, I turned them in on the 20<sup>th</sup>, but the six credits were short, they did not show up until I went back to work out the rest of them.

**Comm. Norris** asked how come you didn't do that 1 1/2 ago?

**PO Hart** stated I had two knee surgeries. I was in the hospital for three months and I had to go to therapy. I had been out of school at that time.

**Comm. Ramirez** asked could you have emailed or faxed them?

**PO Hart** stated they couldn't have emailed them because I had to go back in and bring in classes that I had taken and my candidate certificate that I had already turned in that they said that they had lost. It wasn't that I had to take another class. I had to go and talk to the administrator and a bunch of other people. In fact, I started at 8:30 in the morning and I did not have my credits in my hand until 1:00 this afternoon.

**Dir. Bryant-Weekes** stated as I had indicated unfortunately Officer Hart is not the only individual that did not have his college credits in, on the day that this Board approved the list. Two weeks ago this Board voted...

**Comm. Norris** stated on the 14<sup>th</sup> give or take.

**Dir. Bryant-Weekes** stated yes.

**Comm. Norris** stated the list was out there for years, but the actual promotions were brought to us and we actually voted before some people turned their credits in.

**Dir. Bryant-Weekes** stated yes. The process is that Ms. Amber puts on the lists what credits she got in. For this particular process it had been going on for a couple of weeks, which is how the other mistakes were made because people had turned some in during the holidays and that sort of things.

**Comm. Ramirez** stated or the other four would have been promoted.

**Dir. Bryant-Weekes** stated right. Unfortunately they were not placed on the list when they should have been. However, just that the Board is aware and to answer Comm. Norris' question, with respect to did we move some money around and that sort of thing. We only have so many positions and there are budgetary implications. If we submit a list with a certain number of people on it then Department is prepared to promote and then we have several people after the fact indicating that oh now here are my college credits, we would have the same situation that we had last week.

**Comm. Norris** stated what happened last week was our fault. A mistake was made and this Board felt very strongly that notwithstanding budgets and everything else because the mistake happened in our shop and we should fixed it. I think if the list is accurate based on the information provided to the list keeper at the moment that we vote, to say that after we vote people can come in and change things, we will be in the position of having to do exactly what we did last week, which was unpromote people that we have already promoted and that was really unpleasant. Officer Hart I understand your problem, you earned these credits, but I just don't see how information that comes in after we vote could be used to undo sometimes 50-60 promotions at a time. I think that could get really dangerous.

**Chairperson Hampton** stated yes, because that would really open up Pandora's box. We have a process, so let's stick with the process.

**PO Hart** stated I understand that. It says that at the time of promotions, they are still not promoted, they are not promoted until the ceremony on the 6<sup>th</sup>.

**Comm. Norris** stated once we vote they are promoted. I think that it maybe effective a certain day, but once we vote it can't get undone. We are the final step in the whole process.

**PO Hart** asked so do they start getting paid the day you vote?

**Comm. Norris** stated I don't know if they get paid the day we vote or if it is effective a certain day. We are the last step in the process. It does not matter if you show up at the promotional ceremony or not. You could skip the promotional ceremony and you would still have your promotion because we voted to promote.

**PO Hart** stated the deadline that was spoken on was that, you would get extra points if you had your college in.

**Tawana Morris** stated she is a retired police officer and she is a member of the Detroit Coalition Against Brutality. She voiced that she thinks that an officer's background and credibility has something to do with the City of Detroit. I think that everything should be taken into account, when you are promoting anybody.

#### **11. ANNOUNCEMENT OF NEXT MEETING**

Thursday, February 5, 2004, @ 3:00 p.m.  
Police Headquarters, Rm. 328-A  
1300 Beaubien  
Detroit, MI 48226

#### **12. ADJOURNMENT**

Meeting was adjourned at 4:20 p.m.

Respectfully Submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/kdw**